Nova Scotia Human Rights Commission
Annual Accountability Report for the Fiscal Year 2004-2005

December 2, 2005

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Accountability Statement

The accountability report of the Nova Scotia Human Rights Commission for the year ended March 31, 2005 is prepared pursuant to the Provincial Finance Act and government policy and guidelines. These authorities require the reporting of outcomes against the Commission's business plan information for the fiscal year 2004-2005. The reporting of outcomes necessarily includes estimates, judgments and opinions by management of the Commission.

We acknowledge that this accountability report is the responsibility of Commission management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the Commission's business plan for the year.

Hon. Michael Baker, Q.C.
Minister Responsible for the N.S. Human Rights Act

Mayann Francis
Director & CEO

Message From the CEO

This document highlights the continuing progress made towards achieving the vision of a more transparent and effective Nova Scotia Human Rights Commission. Among the elements of the vision for the Commission:

- Implementing a strategy to carry the Commission into the 21st century.
- Expediting the processing of cases.
- Positioning the Commission as an expert on issues of inclusion and diversity.

The Nova Scotia Human Rights Commission is an independent government agency charged with administering the *Human Rights Act*, a provincial statute created in 1969.

The 2004-2005 fiscal year continued the process of renewal at the Commission. With the completion of an organizational review by consultants Grant Thornton in 2002-2003, the process of implementing the consultants' recommendations began in earnest. The recommendations from the consultants highlighted the need to:

- reduce the time it takes for the Commission to resolve a complaint of discrimination;
- utilize new technologies to improve case management and planning within the Commission;
- use mediation more effectively as a tool to achieve our mandate of resolving complaints; and
- enhance our public education and outreach functions.

The focus of the Commission will remain improving our efficiency and effectiveness as an organization and helping Nova Scotians to build a province which encourages participation and achievement for all its citizens.

I. Introduction

This document is based on the goals and priorities identified in the Commission's 2004-2005 business plan. With that in mind, this report should be read in concert with the business plan which is available on the Commission's website at http://gov.ns.ca/humanrights/accountability.htm.

The report will outline the progress made towards achieving the goals and priorities with a particular focus on the core business areas of *Resolution of Complaints of Discrimination* and *Public Education and Outreach*. For the fifth year in a row, the Commission was able to meet its budget targets during 2004-2005. Challenges included costs associated with Boards of Inquiry, implementation of a new automated case management database and ongoing investments in staff development.

During 2004-2005, the Commission continued to take a leadership role in the promotion of an open society which embraces the many different backgrounds, beliefs, abilities and dreams of Nova Scotians. Major events were held in December 2004 to mark International Human Rights Day. Events took place simultaneously in Halifax and Sydney. The 9th annual Harmony Brunch was held in Halifax to celebrate the International Day for the Elimination of Racial Discrimination on March 21, 2005. A variety of partnerships with community groups, other government departments and agencies and academic institutions contributed to the planning for the Commission's sixth annual public forum, "Race and Identity: The Challenge of Change" which examined the challenges being faced by different racial groups in maintaining and defining their identities in an increasingly complex world. The fourth "Day of Reflection" with Her Honour Myra Freeman, Lieutenant Governor of Nova Scotia, the Honourable John Hamm, Premier of Nova Scotia, and assembled faith leaders took place in November 2004 at Province House in Halifax.

In the following pages, information will be provided to report against the specific goals and priorities identified in the 2004-2005 business plan.

II. Progress & Accomplishments

In its 2004-2005 business plan, the Commission established the following goals:

1. Improved service delivery to the public through enhanced partnerships with other organizations and efficient and effective management of program delivery.

2. To promote efficient and effective resolutions to complaints of discrimination.

3. To help foster the development of a more equitable society and fair workplaces by pro-actively addressing discrimination in all its forms.

What follows is a brief report on major initiatives undertaken to achieve the priorities set by the Commission's core business areas in support of these goals.

Resolution of Complaints of Discrimination

- In cooperation with Mi'kmaq and other aboriginal communities, develop an aboriginal action plan to improve the services the Commission offers to these communities, particularly through the development of effective models of dispute resolution.
  - The design of an action plan was postponed until the 2005-2006 fiscal year because of cost pressures associated with the implementation of the new computerized case management database. The action plan is expected to be presented during the Commission's annual forum in Fall 2006 which will focus on aboriginal issues.

- Complete the recruitment of a roster of independent mediators to assist the Commission in promoting settlement of complaints in accordance with the Act and the Policy on Settlement Initiatives.
  - A roster of eight mediators was created in April 2004 following the release of a Request for Proposals. The roster operates under a code of conduct established by the commissioners of the Nova Scotia Human Rights Commission in the Policy on Settlement Initiatives.

- Improve the complaint process by continuing to implement the recommendations from the organizational review.
  - Time lines for all stages of the complaint process were reviewed to ensure that case management would be in synch with the new case management database. All template correspondence and information brochures were reviewed and redrafted to ensure consistency. The remaining challenge was recruiting qualified candidates to fill vacancies within the Commission's staff complement. That challenge will continue to be addressed during 2005-2006 in collaboration with the Public Service Commission and the Commission's Corporate Service Unit.

- Introduce a computerized case management system to improve the tracking and quality control of the complaint process.
  - A new database designed using Oracle software was implemented in January 2004. The initial system permitted case management and mediation activities to be tracked

by staff and senior management. The new database is able to generate template correspondence, capture records related to investigation and mediation of complaints and produce up to the minute statistical reports on the Commission's case load. Work continues to design modules to assist the work of the Race Relations and Affirmative Action Division and to track the progress of Boards of Inquiry.

Public Education & Outreach

- Continue involvement with government, institutional and community partners to further develop linkages and forums for discussion and change; this includes oral presentations on trends and concerns to government and opposition caucuses in conjunction with the filing of the Commission's annual report.
  - The briefing of party caucuses was completed by February 2005.

- Develop a comprehensive communication's plan for 2004/05 events and activities.
  - Continued support through Communications Nova Scotia for the development of communications plans and strategies was received in conjunction with major annual activities such as Human Rights Day, March 21st events and the Commission's annual public forum. This ensured strategic planning for media relations and promotion of events.

- Continue policy research and development in partnership with external organizations in emerging areas of human rights including undertaking special projects aimed at mental health consumers and public education on political belief as a prohibited ground as specified in the settlement agreement for *Archibald Kaiser v. Executive Council of Nova Scotia*.
  - On December 10, 2004, the Commission marked International Human Rights Day at St. Antonio Olympic Community Centre in Halifax. The event was organized and sponsored by Partners Against Racism (PAR), a committee of community and business people who volunteer time and resources. The theme was "Making Room at the Table" in recognition of the International Year of Rice. Issues of food security were discussed in a human rights context.
  - International Human Rights Day was also marked in Sydney, New Glasgow and Digby with flag raising events.
  - The second $30,000 grant under the Kaiser settlement agreement was made to the Legal Information Society of Nova Scotia. Their project will train court support workers to be more sensitive to the needs and issues associated with mental health consumers in Nova Scotia. A final report on this initiative will be released in early 2006.

- Promote the Commission as a source of information and resource on human rights issues and compliance under the *Act* for employers and employees in the public, private, educational and not-for-profit sectors.

  - Requests for training from the Commission's Race Relations and Affirmative Action Division continued to expand. The division recovered more than $20,000 through its training activities in 2004-2005.
  - The Commission continued a review of the affirmative action agreement signed with the Nova Scotia Public Service Commission in 1997. A decision on renewal of the agreement will be made by Fall 2006.

III. Financial Results

N.S. Human Rights Commission		
	2004-2005 Estimate	2004-2005 Actual
	$ Thousands	$ Thousands
Net program Expenses	1,764	1.761.3
Salaries and Employee Benefits	1,249.8	1,052.9
Funded Staff (FTEs)	22.5	18

IV. Performance Measures

The measures in this report are from the Commission's 2004-2005 business plan. They represent outcomes identified in the core business areas of *Resolution of Complaints of Discriminations* and *Public Education and Outreach.*

Resolution of Complaints of Discrimination

Outcome: More efficient complaint handling process.

Measure: ***Average time to process complaints.***

What This Measure Tells Us?

The Director and CEO has pledged to ensure that the public receives efficient and effective service from the Commission. One way to measure the progress in meeting that commitment is the time it takes for a complaint of discrimination to be resolved.

Where Are We Now?

Expanded use of mediation, a review of time lines for case management, a reallocation of staff resources and ongoing training for investigation staff continue to be used to work towards the achievement of this outcome. Delays in the recruitment of staff and turnover in the senior management of the Investigation and Compliance Division were significant challenges to the achievement of this goal. Greater staff consistency is anticipated for the 2005-2006 fiscal year.

Where Do We Want to Be in the Future?

The target for the 2004-2005 fiscal year was to complete the processing of complaints in 12 months or less.

Resolution of Complaints of Discrimination

Outcome: **More efficient complaint handling process.**

Measure: ***Percentage of cases where settlement initiatives are attempted.***

What Does This Measure Tell Us?

The settlement of complaints may be a quicker and more effective process if, where appropriate, the parties are brought together earlier to discuss options for resolution. As the Commission continues to implement recommendations from its organizational review, mediation will play a greater role in the settlement of complaints.

Where Are We Now?

The Commission uses the term "mediation" to describe all attempts at settling complaints, whether they are formalized complaints or not. This is in the interest of being clear and consistent when communicating with clients. A roster of external mediators was recruited and established in April 2004 to expedite mediation of complaints. The Commission established a target of 40% of complaints being referred to mediation in 2004-2005. The actual figure achieved was 30%, making a significant impact on the timely resolution of complaints of discrimination.

Where Do We Want to Be in the Future?

The Commission will be evaluating the success of its mediation program during the 2005-2006 fiscal year. It is anticipated that settlement initiatives will be expanded by exploring new models of alternative dispute resolution, dependent on the availability of resources.

Resolution of Complaints of Discrimination

Outcome: **More efficient complaint handling process.**

Measure: ***Number of files with checklist for systemic issues completed.***

What Does This Measure Tell Us?

In addition to resolving individual complaints of discrimination, the Commission also looks to eliminate the underlying causes of discrimination. Known as systemic discrimination, this may be the result of policies, procedures or practices that disadvantage a particular group, whether intentionally or not. By paying attention to possible systemic causes in its work, the Commission will be able to advance the fostering of an equitable society and fair work places much more effectively.

Where Are We Now?

The investigation staff of the Commission continue to receive training and skill development in the settlement of systemic issues. As the recommendations from the organizational review continue to be developed, the skill of staff will be further enhanced. The Coordinator of Investigation and Compliance and the Coordinator of Race Relations and Affirmative Action developed a checklist to identify systemic issues in potential complaints. During the 2004-2005 fiscal year all complaints received at the Commission were evaluated against this checklist, meeting the 100% target set in the business plan..

Where Do We Want to Be in the Future?

By the end of the 2005-2006 fiscal year, a case study on systemic discrimination will be completed by the Race Relations and Affirmative Action Division. The study will provide employers with a valuable tool to increase their understanding of systemic discrimination and the policies and practices within their workplace which may counter its effects.

Resolution of Complaints of Discrimination

Outcome: **Staff knowledgeable about emerging issues.**

Measure: ***Response time to parties.***

What Does This Measure Tell Us?

Society has become increasingly diverse in our province, and the knowledge of citizens about human rights issues has increased at the same time. For human rights commissions, this means they are faced with different interpretations of their governing acts which may challenge accepted knowledge or belief. To continue to be efficient in its work, the Commission must be able to anticipate emerging trends and respond to inquiries based on these trends quickly and accurately.

Where Are We Now?

Because of staff turn over in the Investigation Division, the Commission was unable to improve upon the base year measure of four weeks as set out in its business plan.

A number of developments will contribute to reaching the target of two weeks to respond to parties. A senior policy analyst position will be created during the 2005-2006 fiscal year which will enhance the Commission's ability to research new trends and issues. Standards for response time to inquiries are being developed by the Coordinator of Investigation and Compliance based on the results of the Commission's organizational review and a detailed examination of the complaint process conducted by an appeals commissioner from the Workers Compensation Appeals Tribunal.

Where Do We Want to Be in the Future?

The Commission remains confident that the developments described above make this target reasonable.

Public Education & Outreach

Outcome: Commission recognized as a leader in the human rights field.

Measure: ***The number of strategic partnerships for event planning.***

What Does This Measure Tell Us?

To be successful in fostering an equitable society and healthy work places in Nova Scotia, the Commission must engage public and private organizations in its activities. By increasing the number of such partnerships, the Commission extends its ability to engage Nova Scotians in discussion and debate about human rights issues and encourages employers to open their work places to the benefits of diversity. Developing partnerships also enables the Commission to use its financial resources in more efficient and effective ways to achieve its mandate.

Where Are We Now?

The Partners Against Racism (PAR) committee remains the Commission's primary forum for community partnerships. Each member of PAR contributes their time and some financial resources to successful events for International Human Rights Day (December 10th) and the International Day for the Elimination of Racial Discrimination (March 21st). Membership in this committee increased to 11 organizations in 2004-2005.

During the 2004-2005 fiscal year, Prince George Hotel, a major player in Nova Scotia's tourism sector, and Convergys Customer Management Group, a leading employer in the call centre industry, each hosted a "Champions for the Workplace" breakfast. An initiative of the Commission's Director and CEO, "Champions for the Workplace" encourages employers to host a breakfast for colleagues to discuss successes and challenges related to managing inclusion within their workforces. The Commission will target a number of different business sectors with this initiative annually.

Where Do We Want to be in the Future?

The target for the 2004-2005 fiscal year is to increase the number of strategic partnerships to ten. Two additional "Champions for the Workplace" events took place in 2004/05, there were two new members of the PAR committee and an increase in requests for training and education through the Race Relations and Affirmative Action Division. The Commission's sixth annual public forum took place in spring 2005 and involved a broad range of private and public sector partners and selected

representatives from community organizations. These initiatives combined to achieve the goal for 2004-2005 of ten strategic partnerships.

Public Education & Outreach

Outcome: **Employers committed to inclusive workplaces free of discrimination.**

Measure: ***Number of requests for training.***

What Does This Measure tell Us?

If the Commission is serious about fostering healthy work places, then it is essential to develop relationships with employers which promote the growth of inclusive and respectful environments for their employees. To accomplish this, the Commission uses a number of tools. These include affirmative action agreements, awareness training and assistance with the development of better work place policies.

Where Are We Now?

In 2004-2005, 45 requests for training were received by the Commission which resulted in the delivery of 26 training modules. As the recommendations from the Commission's organizational review continue to be implemented, our ability to reach out proactively to employers will be enhanced. Greater efficiency in the investigation and settlement of complaints will enable more resources to be invested in training, outreach and policy development. As well, the expanded use of mediation to resolve complaints will enable creative resolutions which are mindful of the broader public interests involved in human rights.

Where Do We Want to Be in the Future?

The target for the 2004-2005 fiscal year is for the requests for training to increase to 26 annually and 45 were actually received. To enable that rate of request to be met in the future, plans are underway to shift more human resources to this core business area during 2005-2006.